BILL NO. Z-91-07-16 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-14-91.

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

4601 Illinois Road:

Part of Lot 12 Edsall's Subdivision to the City of Fort Wayne, Indiana, being more particularly described as follows:

Commencing at the northwest corner of Lot 12 Edsall's Subdivision; thence South along the West line of Lot 12 a distance of 241.0 feet; thence East and parallel with the North line of said Lot 12 a distance of 120.0 feet; thence North and parallel to the West line of Lot 12 a distance of 241.0 feet to the North line of Lot 12 Edsall's Subdivision; thence West along the North line of Lot 12 a distance of 120.0 feet to the point of beginning. Subject to Illinois Road (State Road 14) right-of-way and subject to an easement over the East 25.0 feet of the above described property for street purposes.

4605 Illinois Road:

Part of Lot 12 Edsall's Subdivision, an addition to the City of Fort Wayne as recorded in Deed Record 30, page 160, Allen County, Indiana:

Commencing at a point on the West property line of said Lot 12 as now established and 241.0 feet South of the northwest corner of said Lot 12; thence North 89 deg. 50 min. East 120.0 feet to a point; thence South 125.0 feet to a point; thence South 89 deg. 50 min. West 120.0 feet to a point located on the West line of said Lot 12; thence North 125.0 feet to the point of beginning; subject to an easement for street purposes over the East 25 feet thereof and together with an easement for purposes of ingress and egress to the above described real estate over, across and upon the East 25 feet of the West 120 feet of the North 241 feet of said Lot 12 and over, across and upon the East 25 feet of the West 145 feet of the North 366 feet of said Lot 12 in Edsall's Subdivision of LaGro Reserve.

and the symbols of the City of Fort Wayne Zoning Map No. F-

2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
Councilmember

APPROVED AS TO FORM AND LEGALITY:

_____
J. TIMOTHY MCCAULAY, CITY ATTORNEY

#4180

BILL NO. Z-91-07-16

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

4601 Illinois Road:

Part of Lot 12 Edsall's Subdivision to the City of Fort Wayne, Indiana, being more particularly described as follows:

Commencing at the northwest corner of Lot 12 Edsall's Subdivision; thence South along the West line of Lot 12 a distance of 241.0 feet; thence East and parallel with the North line of said Lot 12 a distance of 120.0 feet; thence North and parallel to the West line of Lot 12 a distance of 241.0 feet to the North line of Lot 12 Edsall's Subdivision; thence West along the North line of Lot 12 a distance of 120.0 feet to the point of beginning. Subject to Illinois Road (State Road 14) right-of-way and subject to an easement over the East 25.0 feet of the above described property for street purposes.

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and the symbols of the City of Fort Wayne Zoning Map No. F-

#480.

2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the ~~first~~ time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 7-9-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	5			4
BRADBURY				✓
BURNS	✓			
EDMONDS	✓			
GiaQUINTA				✓
HENRY	✓			
LONG				✓
REDD				✓
SCHMIDT	✓			
TALARICO	✓			

DATED: 8-13-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-14-91 on the 13th day of August, 1991

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 1991, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 1991, at the hour of 3:00 o'clock PM M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

GENERAL FORM NO. 352

RECEIPT

№ 10844

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 6-3 1991

RECEIVED FROM Scott Langweed $ 100.00

THE SUM OF One hundred + 00/100 DOLLARS

ON ACCOUNT OF

#5491 4601 + 4605 Illinois Rd.

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

[illegible]

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Scott Lougheed
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B3B District the property described as follows:

See Survey Attached

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4601 Illinois Rd. and 4605 Illinois Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Robin Lougheed	3521 Saginaw Dr.	Robin R Lougheed
Scott Lougheed	3521 Saginaw Dr.	Scott Lougheed
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Scott Lougheed	3521 Saginaw Dr. , 46802	219/ 432-1266
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

2405 Illinois Rd.

OWENS RUSSELL ASSOCIATES
1402 EAST STATE BLVD.
FORT WAYNE, IN. 46805
PHONE: 484-7500

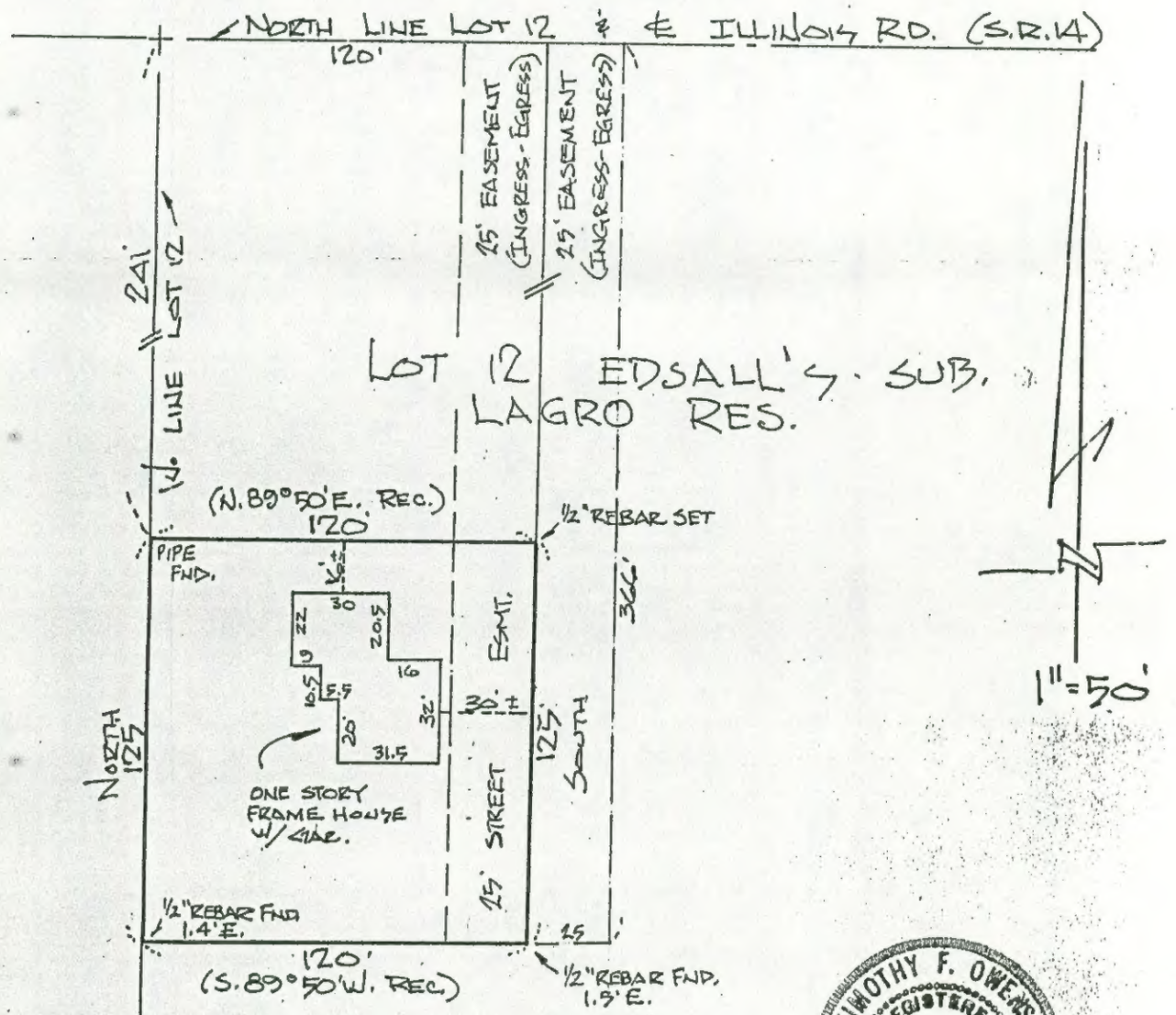
CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate:

Part of Lot 12 Edsall's Subdivision, an addition to the City of Fort Wayne as recorded in Deed Record 30, page 160, Allen County, Indiana.

Commencing at a point on the West property line of said Lot 12 as now established and 241.0 feet South of the northwest corner of said Lot 12; thence North 89 deg. 50 min. East 120.0 feet to a point; thence South 125.0 feet to a point; thence South 89 deg. 50 min. West 120.0 feet to a point located on the West line of said Lot 12; thence North 125.0 feet to the point of beginning; subject to an easement for street purposes over the East 25 feet thereof and together with an easement for purposes of ingress and egress to the above described real estate over, across and upon the East 25 feet of the West 120 feet of the North 241 feet of said Lot 12 and over, across and upon the East 25 feet of the West 145 feet of the North 366 feet of said Lot 12 in Edsall's Subdivision of LaGro Reserve.



THE ABOVE DESCRIBED PROPERTY LIES WITHIN ZONE C AREA AS SHOWN IN THE F.I.R.M. BOUNDARY MAPS
COM. No. 180003-0020B APRIL 3, 1985.

FOR THE EXCLUSIVE USE OF:

TACKETT / LOUGHEED

DATE DECEMBER 31, 1986

JOB NO. 1286-63

TIMOTHY F. OWENS REGISTERED No. 50241 STATE OF INDIANA LAND SURVEYOR

Timothy F. Owens

4601 Illinois

OWENS RUSSELL ASSOCIATES
1402 EAST STATE BLVD.
FORT WAYNE, IN. 46805
PHONE: 484-7500

CERTIFICATE OF SURVEY

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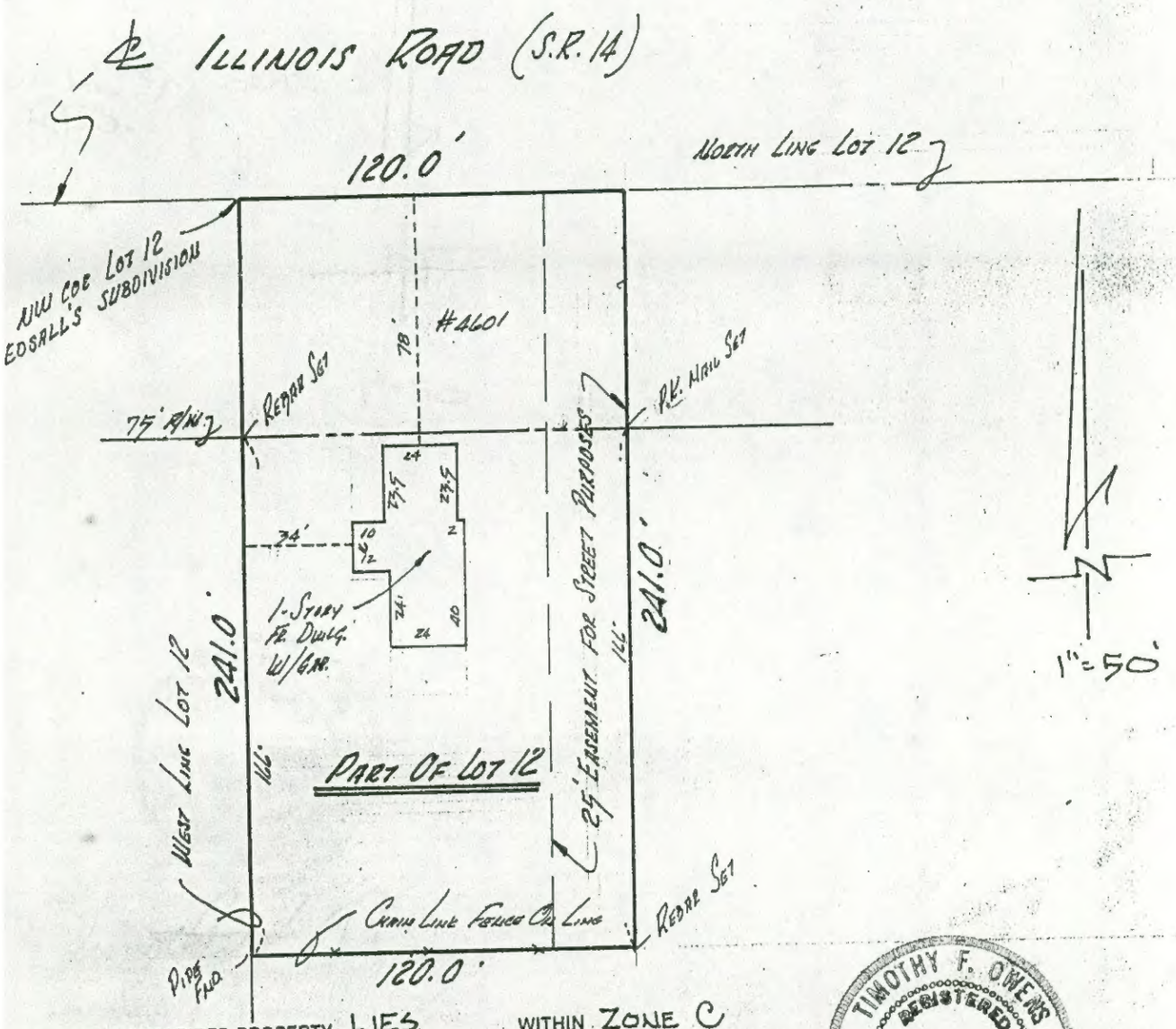


THE ABOVE DESCRIBED PROPERTY LIES WITHIN ZONE C AREA AS SHOWN IN THE F.I.R.M. BOUNDARY MAPS COM. No. 180003-0020B APRIL 3, 1985.

FOR THE EXCLUSIVE USE OF:

JENKINS / HIRES

DATE DECEMBER 31, 1986

JOB NO. 1286-62

TIMOTHY F. OWENS REGISTERED No. 30241 STATE OF INDIANA LAND SURVEYOR

Timothy F. Owens

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 9, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-07-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1991.

Certified and signed this
24th day of July 1991.

Robert Hutner
Secretary

#480

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4601 & 4605 Illinois Road

2-91-07-16

EFFECT OF PASSAGE Property is currently zoned RA - Suburban Residential.
Property will become - B3B - General Business District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-91-07-16
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From RA to B3B		

DETAILS

Specific Location and/or Address

4601 & 4605 Illinois Rd

Reason for Project

This rezoning would make this parcel of land more consistent with the Plan Commission's policies for this area of Illinois Road and more compatible with the surrounding zoning and land uses.

Discussion (Including relationship to other Council actions)

15 July 1991 - Public Hearing

See Attached Minutes of Meeting

22 July 1991 - Business Meeting

Motion was made and seconded to PERFECT this request to a B1B and return it to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Scott Lougheed **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against As perfected to a B-1-B.
Board or Commission Recommendation	**By** [ ] For [ ] Against [ ] No Action Taken [X] For with revisions to conditions (See Details column for conditions) PERFECT to B1B
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 3 July 1991

Projected Completion or Occupancy Date 24 July 1991

Fact Sheet Prepared by Date 24 July 1991
Patricia Biancaniello

Reviewed by Date 8/1/91
Michael A Sipp

Reference or Case Number

Bill No. Z-91-07-16 - Change of Zone #480
From RA to B3B
4601 & 4605 Illinois Road

Scott Lougheed, 3524 Saginaw Drive, petitioner appeared before the Commission. Mr. Lougheed stated that he had read the staff report and had no problems with the recommendation of the staff, which was to perfect the request to a B-1-B zoning.

The staff report follows.

Planning Staff Discussion:

This parcel is the property located immediately west of the proposed western Apple Glen access from Illinois Road. It is currently used for professional offices and is an apparent legal non-conforming use that has existed for a number of years.

This area of Illinois Road has been envisioned as being suitable for commercial development for a number of years. This is one of only two parcel between Apple Glen and Reckeweg Road that is still zoned residential.

This parcel is compatible with the surrounding zoning and land uses, and is somewhat consistent with the Plan Commission's policies for this area of Illinois Road, our only concern is the degree of intensity that the requested designated would allow.

The requested B-3-B zoning is an intense commercial designation that would allow a number of retail and services uses, which may not be fully compatible with the surrounding area. We would prefer to see the parcel rezoned to a B-1-B, which is less intense and is restricted to primarily retail and commercial uses. The B-1-B designation would permit approximately ninety (90) uses. We have discussed this option with the petitioner, and he does not have an objection to the perfection.

Our only other concern is regarding access. The existing access for this site is from an ingress/egress that will eventual serve as the access to Apple Glen. In the staff review of the Apple Glen proposal, a request was made to provide access to this site from the internal Apple Glen roadway system. This future interconnection will eliminate the need for a direct frontage road.

Recommendation: Perfect to a B-1-B and then grant a "Do Pass", for the following reasons:

1) Approval is consistent with the Comprehensive Plan and the Plan Commission's policies for this area of Illinois Road.

2) Approval would be consistent with other proposed and existing development in the immediate area.

3) Approval would represent the highest and best use of the property, and the conservation of property values.

4) Approval as perfected will allow appropriate commercial development while limiting the possible negative impacts of more intense uses.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-91-07-16 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. F-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
David Long			
[illegible]			
[illegible]			

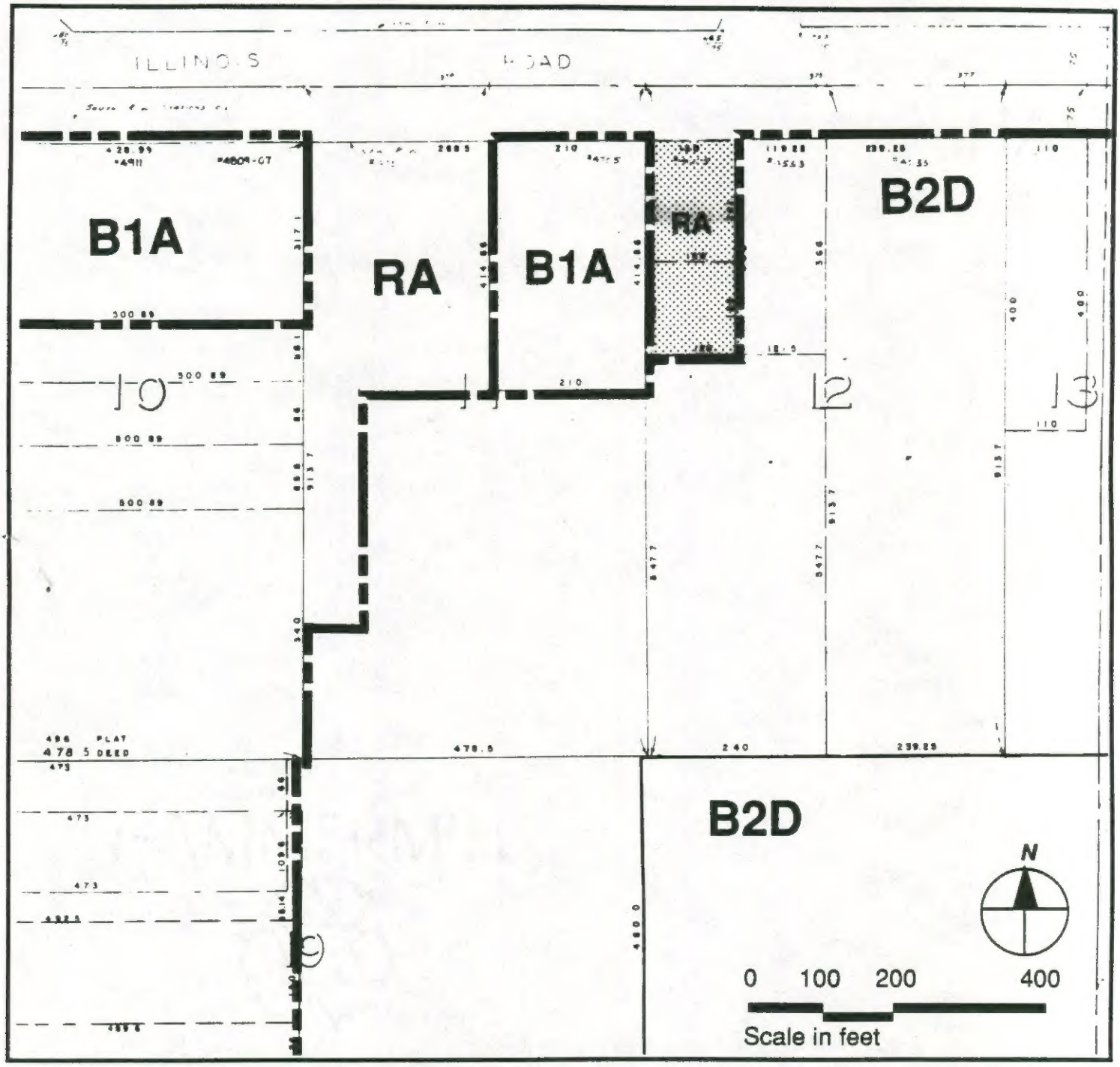
DATED: 8-13-91

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #480



COUNCILMANIC DISTRICT NO. 4

Map No. F-2
LW 6-25-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		